

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 04-10294-GAO
v.)
)
DWIGHT B. COLE,)
Defendant)
)

**Government's Response To Defendant's
Motion To Continue Hearing**

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro, Assistant U.S. Attorney, hereby files this response to the defendant's motion to continue the Rule 11 hearing, which is currently scheduled for Tuesday, October 11, 2005. On October 6, 2005, the defendant's counsel filed a motion to continue the hearing, essentially stating that he has no way to communicate with the defendant and that a letter sent to his address had been returned as undelivered.

The undersigned government counsel has attempted to contact AUSA Sandra Bower, the prosecutor assigned to this case, but she is on vacation out of the country. It is unlikely that the undersigned will hear back from her before the clerk's deadline of 12:00 p.m. today for the filing of a response. The undersigned has attempted to contact Pretrial Services but has been unsuccessful. It appears that, at this time, nobody knows exactly where the defendant is located.

The government further notes that after this case was indicted in September 2004, the defendant failed to respond to a

summons for his initial appearance and an arrest warrant had to be issued. The government also notes that the Rule 11 hearing has been continued at least three times by the defendant.

For the above reasons, the government opposes the defendant's motion. The government respectfully suggests that the Court hold the hearing as scheduled and either conduct the colloquy or get a status report from the parties as to the whereabouts of the defendant.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael J. Pelgro
Michael J. Pelgro
Assistant U.S. Attorney

DATED: October 7, 2005.